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Bill Text: CA SB1464 | 2021-2022 | Regular Session | Introduced

California Senate Bill 1464

CA State Legislature page for SB1464

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Introduced

Bill Title: Law enforcement: public health orders.

Spectrum: Partisan Bill (Democrat 1-0)

Status: *(Introduced)* 2022-03-22 - March 30 set for first hearing canceled at the request of author. [SB1464 Detail]

Download: California-2021-SB1464-Introduced.html

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL **NO. 1464**

Introduced by Senator Pan

February 18, 2022

An act to add Chapter 5.5 (commencing with Section 16644) to Part 2 of Division 4 of Title 2 of the Government Code, and to amend Sections 101029 and 120155 of the Health and Safety Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

SB 1464, as introduced, Pan. Law enforcement: public health orders.

Existing law requires all sheriffs to execute all lawful orders of a department in their counties. Existing law authorizes each sheriff to enforce all orders of the State Department of Public Health or of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. Existing law authorizes each peace officer of every political subdivision of the county to enforce within the area subject to their jurisdiction all orders of the State Department of Public Health or of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease.

This bill would instead require those sheriffs and peace officers to enforce those orders. By expanding the duties of local law enforcement, this bill would create a state-mandated local program. The bill would additionally prohibit state funds from being provided to any law enforcement agency that publicly announces that they will oppose, or adopts a policy to oppose, a public health order.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 5.5 (commencing with Section 16644) is added to Part 2 of Division 4 of Title 2 of the Government Code, to read:

CHAPTER 5.5. Prohibitions On Use of State Funds

16644. Notwithstanding any other law, no state funds shall be provided to any law enforcement agency that publicly announces that they will oppose, or adopts a policy to oppose, a public health order.

SEC. 2. Section 101029 of the Health and Safety Code is amended to read:

101029. The sheriff of each county, or city and county, ~~may~~ *shall* enforce within the county, or the city and county, all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. Every peace officer of every political subdivision of the county, or city and county, ~~may~~ *shall* enforce within the area subject to ~~his or her~~ *their* jurisdiction all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. This section is not a limitation on the authority of peace officers or public officers to enforce orders of the local health officer. When deciding whether to request this assistance in enforcement of its orders, the local health officer may consider whether it would be necessary to advise the enforcement agency of any measures that should be taken to prevent infection of the enforcement officers.

SEC. 3. Section 120155 of the Health and Safety Code is amended to read:

120155. Pursuant to Section 11158 of the Government Code, the sheriff of each county, or city and county, ~~may~~ *shall* enforce within the county, or the city and county, all orders of the State Department of Public Health issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. Every peace officer of every political subdivision of the county, or city and county, ~~may~~ *shall* enforce within the area subject to ~~his or her~~ *their* jurisdiction all orders of the State Department of Public Health issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. This section is not a limitation on the authority of peace officers or public officers to enforce orders of the State Department of Public Health. When deciding whether to request this assistance in enforcement of its orders, the State Department of Public Health may consider whether it would be necessary to advise the enforcement agency of any measures that should be taken to prevent infection of the enforcement officers.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

feedback